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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,848	07/14/2003	Barry L. Berson	SAI.P004US	7602
32794	7590	08/11/2004	EXAMINER	
KOESTNER BERTANI LLP 18662 MACARTHUR BLVD SUITE 400 IRVINE, CA 92612			SWIATEK, ROBERT P	
			ART UNIT	PAPER NUMBER
			3643	

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/619,848

Applicant(s)

BERSON ET AL.

Examiner

Robert P. Swiatek

Art Unit

3643

NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) 18-54 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-9 and 12-15 is/are rejected.
- 7) ☒ Claim(s) 2-4, 10, 11, 16, 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7-14-03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaptein (US 5,551,649). The Kaptein patent discloses a processor 34 that receives vibration level data signals from one or more transducers 30-33 in an aircraft. The vibration level data signals result from phase angles among aircraft propeller blades. If the signals indicate a vibration level in excess of a predetermined amplitude during a predetermined time interval, a control signal is generated that ultimately changes the rotation rate of an aircraft propeller 22, thus phase locking the propellers 12, 22 and minimizing the vibration level.

Claims 1, 5, 8, 12, 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Haigler (US 4,887,298). The Haigler speaker system protection circuit 12 monitors the presence of an audio driving signal and a sense line signal inputted to a speaker system and compares the relative magnitude of the two input signals. If the sense line signal is not present, the magnitude of the audio driving signal is attenuated accordingly and a visual indication provided to a user (see column 3, lines 42-64, of Haigler). Circuit 12 is collectively considered to constitute a processor in that it “senses” an output and generates a signal (if needed) to control the acoustic signature of a device by altering an input signal.

Art Unit: 3643

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 7, 9, 13, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over


Haigler. While the Haigler patent does not disclose his processor as having the ability to issue alert cues based upon a sustained acoustic level, the capability of generating signals indicating a previous value of the acoustic level, or the generation of tactile and aural cues, such functions are well known microprocessor adjuncts and would have been obvious to one skilled in the art wishing to enhance the usefulness of the Haigler electronic circuit by providing it with additional functions.

Claims 2-4, 10, 11, 16, 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants should note that withdrawn claims 18-54 must be canceled prior to allowance of the application.

The patents to McTaggart (US 4,908,868), Pla et al. (US 5,221,185), and Yoon et al. (US 5,226,089) have been cited to provide additional examples of monitoring systems.

RPS: 0703/308-2700
30 July 2004


ROBERT P. SWIATEK
PRIMARY EXAMINER
ART UNIT 333 3643